

UNITED STATES OF AMERICA
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

CR# 03-10362 PBS

SEAN D. STARK

DEFENDANT'S OPPOSITION TO THE GOVERNMENT'S
MOTION TO ORDER TRAVEL ARRANGEMENTS
AS FILED ON MAY 17, 2004

Now comes the defendant, Sean Stark, by court appointed counsel, and Opposes the Government's Motion to Order Travel Arrangements as it was filed with this Court. The defendant does not oppose a Court order directing the Marshal to arrange transportation on May 18 or May 19, 2004, but strongly opposes so much of the Government motion which requests that this Court order the appearance of Mr. Stark waived by his actions. In support of his Motion, the defendant states the following:

Mr. Stark moved this Court to order travel and accommodations for his Motion to Suppress Hearing on May 11, 2004, and filed that Motion electronically. On Friday, after 5:00 p.m., this Court allowed his Motion for Travel, in order that he could be present for his Motion to Suppress, which is scheduled for Tuesday, May 18, 2004 at 3:00 p.m. Notice of the Court's action was delivered verbally on Friday, May 15, 2004 verbally after 5:00 p.m., and electronically to Mr. Norris at approximately 10:00 a.m. on May 17, 2004. At 9:30 a.m. on May 17, 2004, undersigned counsel notified the Marshal service of the Order.

As of the time of this writing, the Marshal has not arranged for travel arrangements for Mr. Stark. However, he filed his Motion for Travel well in advance of the travel date, and submitted

courtesy copies by mail.

Wherefore, the defendant, Sean Stark, respectfully requests that he be transported to Massachusetts for his Motion to Suppress, or in the alternative, that he not be deemed by this Court to have waived his appearance at the Hearing, since he filed a Motion to Travel timely, and the failure of the Marshal to make sufficient travel arrangements is not the fault of the defendant.

If timely travel arrangements cannot be made, the defendant moves that the Evidentiary Hearing on his Motion to Suppress be continued to another date.

Respectfully Submitted,
By his attorney,

Date: May 17, 2004

/s/ MELVIN NORRIS
Melvin Norris
260 Boston Post Road, Suite 9
Wayland, MA 01778
(508) 358-3305
BBO# 373900